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FAX TRANSMITTAL SHEET

RECEIVED

Name

Fax # 907-269-4539

JUL 15 2004

TO: ALASKA LOCAL BOUNDARY COMMISSION STAFF

Local Boundary Commission

Company:

FROM: R. G. "Rollie" Nehring

FAX # 602 / 952 - 0875

# Of Pages 5 (Including Cover Sheet)

Date: July 15, 2004

Time: 2:30 PM MST

RE: PETITION FOR INCORPORATION OF THE CITY OF NAUKATI

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**Message, Comments, Instructions:**

HERE IS AN ADDITIONAL COPY OF MY OPPOSITION LETTER TO THE ABOVE PETITION. I HAD Emailed AN INITIAL COPY BUT INADVERTENTLY OMITTED THE ATTACHMENT LETTER, WHICH IS NOW ATTACHED HERETO. THANK YOU.

ROLAND G. NEHRING

☒ The Original **WILL NOT** follow.

☐ The original **WILL** follow by U. S. Mail

Any Problems with Transmission ?? Please contact 602 / 952 - 0874. Thank You!

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R. G. Nehring  
5253 N. Oromedary Rd.  
Phoenix, AZ 85018

From: Roland Nehring <rgnehring@earthlink.net>  
Subject: **Opposition To Naukati Petition**  
Date: July 13, 2004 10:53:55 PM MST  
To: LBC@dced.state.ak.us



Local Boundary commission Staff  
550 West Seventh Ave., Suite 1770  
Anchorage, AK 995-3510

RE: OPPOSITION TO PETITION FOR INCORPORATION OF THE CITY OF NAUKATI

Dear Sirs / Madams

I and my wife Bette own Lot A at Sarkar Cove, Prince of Wales Island, Alaska. We are residents of Alaska and are members of the North Prince of Wales Island Voter Precinct. We are both 73 years of age and I am a retired attorney, licensed in the States of Wisconsin and Arizona. As such, I have reviewed both the applicable sections of the Alaska statutes and the Local Boundary Commission Handbook. I can only conclude that the Naukati Petition is so flawed that it should not be approved by the Commission - and at the minimum the Sarkar area should be deleted from their territorial boundaries.

The public interest will not be served by including Sarkar within the boundary and such inclusion could very well expose the State of Alaska to substantial risk as the prospective successor to the City of Naukati. Quite simply, Naukati does not have the current or foreseeable economic base to support a city government and needs to substantially mature as a community - or await the imminent creation of the Prince of Wales Island Borough. Secondly, we and our Sarkar neighbors do not need any of the municipal services proposed for Naukati proper since we individually already have had to efficiently and effectively provide our own water, sewer, and electricity. Naukati is simply too distant to provide such services, nor emergency fire and health service. My other specific reasons and details for objection are set forth below.

There may be only 3 airline miles of Forest Service land separating Naukauli from Sarkar, but more importantly, from the provision of services standpoint, is the roadway distance between the two sites. The distance from our waterfront lots to Naukati is more than 8 miles via a very limited road system for much of that distance. From Naukati, after turning off northbound Hwy 20, a 1 1/4 mile one lane USFS road exists to our locked Subdivision gate. Thence, another unimproved one lane road of about one mile must be traveled to reach the Lodge and our other waterfront lots. Neither the Lodge or our other waterfront properties are part of the upland Sarkar Subdivision nor have any ownership in the Subdivision road - only a limited vehicle easement. It takes about 35 minutes to drive between the two locations since average speed is only about 25 MPH, and is much slower on the Subdivision road. We maintain our Subdivision roads. Those roads are not plowed in the winter since no one is there, and if they were plowed, would only encourage theft and vandalism. Such a road arrangement would make it impossible for Naukati to provide any meaningful and timely emergency services. The only other access from Naukati is by boat to Sarkar - a trip typically of 25 minutes with a fairly fast boat.

Only the El Capitan Lodge has a standard telephone, via radio to Whale Pass, so it is not possible for the other residents to call Naukati in the event of public safety protection or a fire or health emergency. It is for health reasons that we found it necessary to purchase an automated portable heart defibrillator. It is also

available to other Sarkar residents when we are in the area. Due to the limited number of part time residents at Sarkar, it is unlikely that the local telephone utility will extend their facilities to Sarkar in the foreseeable future. Cellular mobile service is also not available due to lack of nearby repeater towers and terrain that blocks the existing distant signals.

For further clarification, the Sarkar area is comprised of two types of entities and all are strictly recreational. All of the available ten (10) waterfront lots are owned by seven (7) individual residents and El Capitan Lodge owns the other three(3) lots. The upland Sarkar Subdivision is owned by Ruth Ann Albright and Lee Falk. It consists of about 30 Lots, only two of which have been apparently sold since that development opened in 1998. Most importantly, there is no other private land at Sarkar available for planning, platting and development since all surrounding land is part of the Tongass National Forest. No additional economic base will be available to the City of Naukati if Sarkar Cove were to be included within the territorial boundary.

The officers of Naukati West, Inc. have not been forthright in including residents of Sarkar in any consultation on the Petition for Incorporation of the City of Naukati as a Second Class City over their three (3) years of planning. I had heard an application had been finally prepared and contacted the Local Boundary Commission staff on December 1, 2003. Mr. Bill Rolfsen advised that they had in fact received the Naukati Petition draft for initial review. This was the first indication that I or anyone else from Sarkar knew that the plan had been prepared and submitted and that the territory included the Sarkar area. Apparently Mr. Art King, President of Naukati West Inc. became aware of my inquiry and called me on December 4, 2003 in Phoenix, Arizona. He confirmed that the Sarkar area was included in the boundary description and that the Boundary Commission had recommended its inclusion because of the 4% bed tax which would be generated from El Capitan Lodge. He then forwarded a copy of the Petition Draft and I forwarded it to my neighbors. Under 3 ACC 110.900. Transition, it is apparent that Naukati violated its consultation provisions.

After consultation with all my neighbors, they unanimously stated that they were opposed to inclusion of the Sarkar Area within the Naukati boundary description. On March 8, 2004 the Petition was apparently formally filed by Naukati. On March 13, 2004, I so advised Mr. King and his Association of our objections. A copy of that letter is attached hereto. As recently as May 16, 2004, I attended the Naukati West Annual Meeting and again voiced the Sarkar residents objection to being included in the territory and Petition. Mr. King refused to consider deleting Sarkar from the Petition and said that decision would have to be up to the Local Boundary Commission.

There is no practical plan for Sarkar contained in the Petition designed "to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the date of the proposed change" as specified in paragraph (c) of the above referenced regulation concerning Transition.

The Sarkar Area does not meet the Determination of Community under 3 AAC 110.920. We as inhabitants do not "reside permanently" at a location as a discrete and identifiable social unit, as indicated by such factors as school enrollment, number of sources of employment, voter registration, precinct boundaries, permanency of dwelling units, and the number of commercial establishments and other service centers - all as required under subsection (a) (3). Under (b) (1), there is no public access to our Sarkar Area as explained by the roadway status above. My wife and I are probably the only registered voters in that voting precinct, no children from Sarkar attend school at Naukati, no one is employed at Naukati, there is only

one commercial establishment at Sarkar and their employees do not reside in the area nor are their fishing customers local.

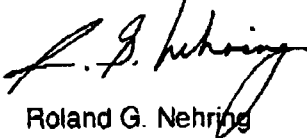
We are not adjacent to Naukati nor are we dependent on that community for our existence since our community of interest is the Craig / Klawock area for food , hardware, services and government interface.

The Naukati Plan cannot succeed because they have applied for only bed tax authority and have omitted for some reason to provide for property and sales taxes as additional revenue sources. They simply do not possess sufficient economic base or personal income resource and commercial development. From a Sarkar Area standpoint, provision of municipal utility services that we already possess, at such a distance, is not feasible nor are those services required - although if we are included in the territory, we would have every right to insist that such distant municipal services be provided to Sarkar in fairness to all residents.

The Petition should be denied, or at the minimum the Sarkar Area deleted from the boundary. The boundary description violates regulation 3 AAC 110.040 since full development of essential city services cannot be provided to Sarkar in an efficient, cost - effective manner. The current boundary has been "stretched" to include entire geographical regions and unpopulated areas of U.S Forest Service lands to simply obtain bed tax from the El Capitan Lodge. Sarkar is non-contiguous and does not fit with the community of Naukati nor would there be any broad policy benefit to the public statewide.

The Sarkar Area should be deleted from the territory boundary, if in fact the Commission believes the entire Application is not fatally flawed.

Respectfully,



Roland G. Nehring

Enclosure: March 11, 2003 Letter to Naukati West Inc.

**ROLLIE & BETSY NEHRING**  
**P. O. Box NKI**  
**Ketchikan, AK 99950**

March 13, 2004

VIA FAX TO 907-629-4266

Naukati West Homeowners Association  
Attn: Mr. Art King, President  
Naukati, AK 99950

RE: Naukati Second Class City Application - Sarkar Cove Territory

Following my telephone conversation with Art King in December 2003 concerning creation of a Second Class City for Naukati, I also received from him a draft copy of the Application by the Naukati Community Association to the Alaska Local boundary Commission. I reviewed that material and had discussions with the Boundary Commission staff. I also contacted all of my Sarkar neighbors on the subject. They were unaware of the project, except for Scott VanValin of El Capitan Lodge who had a previous conversation with Art King where he voiced his objection to Sarkar being included within the proposed boundaries for the new City of Naukati.

All of the homeowners I contacted, as well as El Capitan Lodge, are unanimously opposed to being included in the proposed Naukati territory - and so am I. I thought it now appropriate to advise your organization and its members that unless you delete the Sarkar Cove area from your proposed city boundary, that we shall have no alternative but to oppose inclusion when the public comment process starts.

Although we have no objections to Naukati's plans, if they do not include Sarkar, I thought you and your members should be aware of the position that I and my Sarkar neighbors will be taking legally and administratively during the approval process.

Yours Truly,

  
Roland G. Nehring